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Attorneys for Plaintiffs
Class Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JEFF BECK, individually; et al.,)	CAUSE NO. CV-22-44-DLC-KLD
)	
Plaintiffs,)	
)	
vs.)	NOTICE OF FILING:
)	PRELIMINARY CLASS MEMBER
CITY OF WHITEFISH, a Montana)	LIST
municipality; and DOES 1-50,)	
)	
Defendants.)	
)	

CITY OF WHITEFISH, a Montana
municipality,

Third-Party Plaintiff,

vs.

FINANCIAL CONSULTING
SOLUTIONS GROUP, INC.,

Third-Party Defendant.

Pursuant to the Class Notice procedure proposed by Plaintiffs and ordered by the Court (Docs. 127 and 128), Plaintiffs hereby submit the following synopsis of the Class Notice events that have occurred to date, along with a preliminary Class member list:

- Class Counsel identified **474** potential Class members from building permit materials produced by the City in discovery;¹
- Starting January 18, 2024, **468** Class Notice letters were mailed out to potential Class members whose last known mailing address could be determined from property records or business entity searches;
- Mailing addresses could not be found for **6** potential Class members;

¹ For purposes of this count, spousal/partner/familial co-owners were treated as a single Class member.

- Additionally, over the following weeks, **30** letters were returned to Class Counsel as Unable to Forward/Return to Sender;
- In addition to the mailed Notice letters, a Class Notice email was sent to every potential member who had provided an email address in their building permit application to the City;
- In addition to the mailed Notice letters, a once-weekly Notice was run in the Whitefish Pilot and Daily Inter Lake newspapers from the week of January 18, 2024, to the week of March 18, 2024;
- Further, a website was published on January 18, 2024 at <https://montanaimpactfeeaclassaction.com/> that potential Class members may visit for further information;
- Of the **36** potential Class members who did not receive Class Notice letters, **5** nonetheless returned either an Opt-Out Form or a Claim Information Form, indicating a number of them received Notice by another means;
- The Class Notice letters, emails, and newspaper notices stated a deadline of March 18, 2024, whereby potential Class members who chose to do so could submit an Opt-Out Form to Class Counsel;

- From January 18, 2024, to March 22, 2024, **32** Opt-Out Forms were submitted to Class Counsel by persons or entities who have elected to not participate in or be bound by this litigation;²
- To date, **123** potential Class members have submitted Claim Information Forms to Class Counsel;³ and
- To date, **320** potential Class members have yet to respond to any of the Notice materials.

Attached hereto, collectively, as Exhibit A are two lists. The first list identifies those persons or entities who have affirmatively elected to opt out of this lawsuit. The second list identifies those persons or entities who, to date, remain eligible as Class members.

DATED this 1st day of April, 2024.

KOVACICH SNIPES JOHNSON, P.C.
and
LAIRD COWLEY, PLLC

BY: /s/ Caelan G. Brady
Caelan G. Brady
P.O. Box 2325
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Attorneys for Plaintiffs and Class

² One of the **32** Opt-Out Forms was submitted just after the March 18, 2024 deadline stated in the Class Notice materials.

³ One of the **123** Claim Information Forms was submitted by a person who was not identified by Class Counsel from the City's permit materials. Class Counsel is working on verifying whether this person meets the Class definition and is therefore eligible as a Class member to receive a potential impact fee refund.